REMARKS

By the present Amendment, a minor revision has been made in the specification and claim 1 has been amended to include the substance of former dependent claim 2 with such claim being canceled without prejudice or disclaimer. As now recited in claim 1, the defined binder resin for toner comprises a polyester structure comprising a structure derived from carboxylic acid and a structure derived from alcohol with the binder resin having defined characteristics and further comprising 0.1 to 10 mol% of a structural unit derived from isocyanate compound based on the sum of all the structural units derived from carboxylic acid and of all the structural units derived from alcohol equaling 100 mol%. It will be appreciated that independent claim 5, which relates to a further aspect of the present invention, already recites that the structure is obtained from, *inter alia,* a polyvalent isocyanate

As discussed in the last full paragraph on page 23 of the specification, the presence of structural units derived from isocyanate compounds provides a resin with good mechanical durability and high smear resistance, advantageous properties in the context of a binder resin for toners. Additionally, various of the illustrative Examples set forth in the specification demonstrate such advantageous properties, such as in Table 5 on page 64, Table 8 on page 69 and Table 9 on page 70.

The cited prior art relied on by the Examiner in the Official Action, namely JP9-302082 and JP11-060703, does not disclose or suggest the presently claimed invention. The '082 publication describes a binder resin having a low acid value that is obtained by depolymerizing a polyester resin having a specified molecular weight in the presence of a hydroxyl compound, such as trimethylolpropane, as the depolymerizing agent. The binder resin has a softening point of about 80-140°C, a

glass transition point of about 45-85°, a molecular weight distribution of 1-6 a number average molecular weight of about 1,000-6,000 and an acid value of 5 mg KOH/g or lower.

The '703 publication relates to a polyester resin useful as a dry toner which is obtained from defined amounts of terephthalic acid and/or isophthalic acid, a polyfunctional carboxylic acid having three or more functional groups and/or a polyhydric alcohol having three or more hydric groups. The resin further contains 10-100 ppm of at least one of antimony, titanium, tin, zinc and manganese and 3-30 ppm of phosphorus so as to satisfy a defined formula. The softening point, acid value and number average molecular weight of the resin are also described.

Applicants respectfully submit that neither the '082 publication nor the '703 publication anticipated each of the original claims and certainly do not anticipate each of the claims now of record. The claims all require a resin structure which is in part obtained from an isocyanate compound or a polyvalent isocyanate. The cited publications in no way disclose a polyester resin with a structure which meets the specifically recited structure. Moreover, the cited publications do not recognize in any way the advantageous results which can be obtained with respect to mechanical durability and high smear resistance when following applicants' invention. Therefore, the claims of record cannot be rejected based on the '082 and '703 publications and applicants accordingly request reconsideration and allowance of the present application.

Should the Examiner wish to discuss any aspect of the present application, the Examiner is invited to contact the undersigned attorney at the number provided below.

Respectfully submitted,

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